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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 United States of America,
10 Plaintiff,

No. CR08-0814-01-PHX-DGC

ORDER

11 v.

12 Daniel David Rigmaiden (1),
13 Defendant.

14 The Court's Order of January 5, 2012 (Doc. 723) ruled on a number of
15 Defendant's discovery requests. In its discussion of Defendant's motion (Doc. 697), the
16 Court requested a response from the government on Defendant's requests for text
17 messages and copies of proposed orders (Doc. 723 at 28-29). The Court noted that it
18 would await the government's response and Defendant's reply before ruling on these
19 issues. *Id.*

20 On January 6, 2012, the government requested an extension of time to respond to
21 Doc. 697. Doc. 726. Defendant advised the Court that he did not oppose an extension.
22 Doc. 728. On January 19, 2012, the Court extended the government's response time to
23 January 27, 2012. Doc. 739. The government never filed a response.

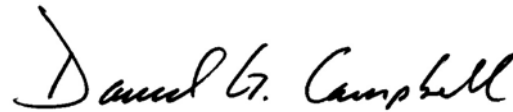
24 Because the government did not respond by January 27, 2012, the Court's staff
25 recently inquired as to whether the government intended to respond. On March 30, 2012,
26 the government filed a memorandum stating that it had responded to the discovery
27 requests still at issue in Doc. 697, and the issues Defendant raised concerning those
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1 requests were therefore moot. Specifically, the government stated that it had produced all
2 text messages to Defendant, after processing and redaction, and that draft copies of the
3 orders entered by the Northern District of California were the same as the final orders
4 entered by that Court. Doc. 794.

5 On the basis of the government's recent memorandum, the Court need not rule on
6 Defendant's requests for text messages or copies of proposed orders. Doc. 723 at 28-29.

7 **IT IS ORDERED** that the remaining portions of Doc. 697 are **denied as moot**.
8 Excludable delay pursuant to U.S.C. § 18:3161(h)(1)(D) is found to run from 11/10/2011
9 to 4/5/2012.

10 Dated this 5th day of April, 2012.

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15 David G. Campbell
16 United States District Judge
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